

STEVEN H. GURNEE, ESQ. SB# 66056
DAVID M. DANIELS, ESQ. SB# 170315
NICHOLAS P. FORESTIERE, ESQ. SB # 125118
GURNEE & DANIELS LLP
2240 Douglas Boulevard, Suite 150
Roseville, CA 95661-3805
Telephone (916) 797-3100
Facsimile (916) 797-3131

Attorneys for Defendants
ALDERWOODS GROUP, INC., PAUL A.
HOUSTON, SERVICE CORPORATION
INTERNATIONAL, SCI FUNERAL AND
CEMETERY PURCHASING COOPERATIVE, INC.,
SCI EASTERN MARKET SUPPORT CENTER, L.P.,
SCI WESTERN MARKET SUPPORT CENTER, L.P.,
and SCI HOUSTON MARKET SUPPORT CENTER, L.P.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CLAUDE BRYANT, CRAIG FULCHER,
SANFORD LEVINE and THOMAS
THOMPSON et al., on behalf of themselves
and all employees similarly situated,

Plaintiffs,

vs.

ALDERWOODS GROUP, INC., PAUL A.
HOUSTON, SERVICE CORPORATION
INTERNATIONAL, SCI FUNERAL AND
CEMETERY PURCHASING
COOPERATIVE, INC., SCI EASTERN
MARKET SUPPORT CENTER, L.P. SCI
WESTERN MARKET SUPPORT CENTER,
L.P. a/k/a SCI WESTERN MARKET
SUPPORT CENTER, INC., SCI HOUSTON
MARKET SUPPORT CENTER, L.P., and
JOHN DOES 1-3, et al.

Defendants.

No. **3:07-CV-5696-SI**

**DEFENDANTS' CONSOLIDATED
REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF THEIR RESPECTIVE
MOTIONS TO DISMISS PLAINTIFFS'
AMENDED COMPLAINT**

Date: May 9, 2008

Time: 9:00 a.m.

Dept.: 10

For purposes of considering the motions to dismiss and strike filed by the respective defendants in this action, Defendants hereby request that the Court take judicial notice pursuant to FRE 201(b) of the following documents and rulings attached hereto (*see also, International Board of Teamsters v. Zantop Air Transportation Corp.*, 394 F.2d 36, 40 (6th Cir. 1968) (“[A] court may take judicial notice of the rules, regulations and orders of administrative agencies issued pursuant to their delegated authority”); *U.S. v. City of St. Paul*, 258 F.3d 750, 753 (8th Cir. 2001) *cert. denied*, 535 U.S. 904 (writing showing an agency’s interpretation of its own regulations is entitled to judicial notice absent showing the interpretation is unreasonable or inconsistent with the statutory authority):

Exhibit A: Transcript of Hearing on Thursday, April 19, 2007 in the matter *Prise, et al. v. Alderwoods Group, Inc., et al*, Case No. 2:06-cv-01470-JFC, Docket No. 33, United States District Court for the Western District of Pennsylvania before the Honorable Joy Flowers Conti, District Judge.

Exhibit B: Transcript of Hearing on September 6, 2007 in the matter *Prise, et al. v. Alderwoods Group, Inc., et al*, Case No. 2:06-cv-01470-JFC, Docket No. 33, United States District Court for the Western District of Pennsylvania before the Honorable Joy Flowers Conti, District Judge.

Exhibit C: Transcript of Nov. 15, 2007 Hearing Plaintiffs’ Motion for Leave to File Second Amended Complaint in the matter *Prise, et al. v. Alderwoods Group, Inc., et al*, Case No. 2:06-cv-01470-JFC, Docket No. 33, United States District Court for the Western District of Pennsylvania.

Exhibit D: Declaration of Judith M. Marshall attached as Appendix B to the Class Action Complaint entitled *James Stickle et al v. SCI Western Market Support Center, L.P. et al*, U.S. District Court, District of Arizona, Phoenix Division, Case No. 08-CV-83.

Exhibit E: Plaintiffs’ Motion for Leave to File Second Amended Complaint in the matter *Prise, et al. v. Alderwoods Group, Inc., et al*, Case No. 2:06-cv-01470-JFC, Docket No. 33, United States District Court for the Western District of Pennsylvania.

1 **Exhibit F:** Amended Complaint in *William Helm, et al. v. Alderwoods Group, Inc., and*
2 *Service Corporation International*, Case No. C 07-CV-5140-MJJ.

3 **Exhibit G:** Defendants' Notice of Removal in *William Helm, et al. v. Alderwoods*
4 *Group, Inc., and Service Corporation International*, Case No. C 07-CV-5140-MJJ.

5 **Exhibit H:** Defendants' Memorandum of its Motion to Dismiss in *William Helm, et al.*
6 *v. Alderwoods Group, Inc., and Service Corporation International*, Case No. C 07-CV-5140-MJJ.

7 **Exhibit I:** Plaintiff's Notice of Voluntary Dismissal in *William Helm, et al. v.*
8 *Alderwoods Group, Inc., and Service Corporation International*, Case No. C 07-CV-5140-MJJ.

9 **Exhibit J:** Complaint filed in *Bryant, et al. v. Alderwoods Group, Inc., and Service*
10 *Corporation International, et al.*, Case No. 3:07-CV-5696-SI.

11 **Exhibit K:** Amended Complaint filed in *Bryant, et al. v. Service Corporation*
12 *International, et al.* Case No. RG-07359593, which has been removed to this court.

13 **Exhibit L:** Amended Complaints filed in *Helm, et al. v. Alderwoods Group, Inc. et al.*,
14 Case No. RG-07359602, which has been removed to this court.

15 **Exhibit M:** Class Action Complaint filed in *Stickle, et al. v. SCI Western Market*
16 *Support Center, L.P., et al.*, U.S. District Court, District of Arizona, Phoenix Division, Case No.
17 08-CV-83.

18 **Exhibit N:** Class Action Complaint filed in *Prise et al. v. Alderwoods Group, Inc.*, U.S.
19 District Court, Western District of Pennsylvania, Case No. 06-1641.

20 **Exhibit O:** Plaintiffs' Case Management Statement filed in *Bryant, et al. v. Alderwoods*
21 *Group, Inc., and Service Corporation International, et al.*, Case No. 3:07-CV-5696-SI, Docket No.
22 16.

23 **Exhibit P:** Plaintiffs' Notice of Pendency of Other Actions filed in *Bryant, et al. v.*
24 *Alderwoods Group, Inc., and Service Corporation International, et al.*, Case No. 3:07-CV-5696-
25 SI, Docket No. 3.

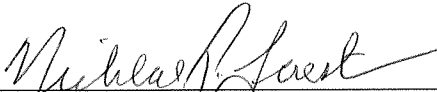
26 **Exhibit Q:** Plaintiffs' statement in support of relating cases filed in *Helm et al. v.*
27 *Alderwoods group Inc. et al. v.*, Case No. 3:08-CV-1184-SI, Docket No. 28.
28

1 **Exhibit R:** Plaintiffs' Memorandum of Law in support of plaintiff's motion to amend
2 the complaint filed in *Prise, et al. v. Alderwoods Group, Inc., et al*, Case No. 2:06-CV-01470-JFC,
3 Docket No. 797.

4 **Exhibit S:** Plaintiffs' Amended Complaint filed in *Bryant, et al. v. Alderwoods Group,*
5 *Inc., and Service Corporation International, et al.*, Case No. 3:07-CV-5696-SI, Docket No. 16.

6 Dated: March 27, 2008

GURNEE & DANIELS LLP

7
8 By 

9 STEVEN H. GURNEE, ESQ.

10 DAVID M. DANIELS, ESQ.

11 NICHOLAS P. FORESTIERE, ESQ.

12 Attorneys for Defendants

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16 CEMETERY PURCHASING

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18 MARKET SUPPORT CENTER, L.P.,

19 SCI WESTERN MARKET SUPPORT

20 CENTER, L.P. a/k/a SCI WESTERN

21 MARKET SUPPORT CENTER, L.P. and SCI

22 HOUSTON MARKET SUPPORT CENTER,

23 L.P.